

STEERING, LEGISLATIVE & GOVERNMENTAL COMMITTEE

December 7, 2009

5:30 p.m.

Courthouse

MINUTES:

MEMBERS PRESENT:

Commissioner Jack Black  
Commissioner Adam Coggin  
Commissioner Gary Farley  
Commissioner Jeff Jordan  
Commissioner Jeff Phillips  
Commissioner Steve Sandlin  
Commissioner John Rodgers, C

OTHERS PRESENT:

Ernest Burgess      Susan Allen  
Ronald Williams      Jim Daniel  
Anthony Johnson      Jared Barrett  
Frances Mosby      John Taylor  
Steve Schroder      David Nipper  
Katherine Nash      Erin Griffin  
Anthony Tuggle      Becky Shelton

Chairman Rodgers presided and called the meeting to order at 5:30 p.m. with all members being present at that time.

MINUTES:

"Commissioner Coggin moved, seconded by Commissioner Phillips, to approve the minutes of the last meeting as mailed. This motion passed unanimously by acclamation."

FILL FOUR VACANCIES ON AGRICULTURAL BOARD:

Chairman Rodgers advised four vacancies on the Agricultural Board were being filled as the positions of the farm woman, farmer and two Commissioners were open. Applications have been received from Stan Vaught and David Nipper for farmer; Francille Whitworth for farm woman and Anthony Johnson and Jack Black for the Commissioner vacancies. Following address of the Committee by the applicants in attendance,

"Commissioner Farley moved, seconded by Commissioner Coggin, to recommend appointment to the Agricultural Board of Francille Whitworth to the farm woman vacancy and Anthony Johnson and Jack Black to the Commissioner vacancies. This motion passed unanimously by acclamation."

The Committee was advised although David Nipper previously lived on a farm he currently does not. Following discussion,

"Commissioner Phillips moved, seconded by Commissioner Farley, to recommend Stan Vaught for appointment to the Agriculture Board to fill the farmer position. This motion passed unanimously by acclamation."

FILL VACANCY ON COMMUNITY CARE BOARD:

Chairman Rodgers advised an application had been received from Francina Kaye Jernigan for appointment to the Community Care Board. The Committee was advised the Chairman of the Community Care Board had advised the Board voted unanimously to recommend the appointment of Ms. Jernigan. Following address of the Committee by the applicant,

"Commissioner Sandlin moved, seconded by Commissioner Farley, to recommend appointment of Francina Kaye Jernigan to the Community Care Board. This motion passed unanimously by acclamation."

FILL ALTERNATE VACANCY ON BEER BOARD:

Chairman Rodgers advised applications had been received

from Jared Barrett and David Nipper for appointment to the Beer Board to fill the alternate vacancy which expires October, 2011. Following address of the Committee by the applicants,

"Commissioner Sandlin moved, seconded by Commissioner Coggin, to nominate both applicants and vote for one. This motion passed unanimously by acclamation. Following roll call vote David Nipper will be recommended for appointment as the alternate to the Beer Board with Commissioners Black, Coggin, Farley, Phillips, Sandlin and Rogers voting for Nipper and Commissioner Jordan voting for Mr. Barrett."

FILL TWO VACANCIES ON CORRECTIONAL WORK CENTER BOARD:

Chairman Rodgers advised applications had been received from Frances Mosby and John Taylor for appointment to the vacancies on the Correctional Work Center Board. The Committee was advised a letter had been received from the Chairman of the Correctional Work Center Board recommending appointment of Ms. Mosby and Mr. Taylor. Following address of the Committee by the applicants,

"Commissioner Farley moved, seconded by Commissioner Sandlin, to recommend appointment of Frances Mosby and John Taylor to the Correctional Work Center Board. This motion passed unanimously by acclamation."

ANNOUNCE TWO VACANCIES ON PUBLIC BUILDING AUTHORITY:

Chairman Rodgers next advised the positions of Dow Smith and Jon Waggener on the Public Building Authority were expiring and accordingly being announced.

COUNTY ATTORNEY LEGAL SERVICES AGREEMENT AND PRIVATE ACT:

Chairman Rodgers suggested there be no substantive discussion tonight on the Legal Services Agreement but to be prepared to discuss the same at the next meeting.

As to the Private Act, Commissioners Jim Daniel, Anthony Johnson and Ronald Williams were in attendance and had no comment at this time.

Susan Allen and Steve Schroeder of Rutherford Neighborhood Alliance addressed the Committee and presented proposed changes to the Private Act suggesting a 2/3 vote be required to show a strong vote for the legal service to be provided. Chairman Rodgers advised he didn't see a strong rationale to require the 2/3 vote but did like the other proposed changes. No other appointed positions require a 2/3 vote. The appointment of the Finance Director only requires a simple majority. Mayor Burgess advised he felt the Private Act and Legal Services Agreement would be presented to the Commission concurrently so to enact the Private Act it would require a 2/3 vote at that time but he did not feel it needed to be a 2/3 vote in the future. Commissioner Phillips advised to fill an unexpired term of a legislator only requires a simple majority vote and he hated to tie the hands of future Commissions and he felt it was sufficient with the Commission being able to vote on the issue.

Commissioner Williams thanked the Committee for looking at the Private Act again and advised it was good now. Commissioner A. Johnson advised it showed the Commission listened to the public and is doing a good job. Commissioner Daniel advised he thought "agreement" should be changed to "policy" to allow for in-house counsel. Mayor Burgess advised he felt the County would need an agreement with any attorney even in-house counsel as it will not be like hiring an independent employee. Following discussion,

"Commissioner Sandlin moved, seconded by Commissioner Black, to approve the Private Act as presented with the changes discussed with Section 2 to read: "The County Attorney shall be appointed or elected by the Rutherford County Board of Commissioners. The terms, conditions, term of appointment, functions and duties of the office of the County Attorney shall be as set forth in a written Agreement approved by the Rutherford County Board of Commissioners." and Section 3 to read: "Rutherford County may enter such additional written agreements with private attorneys and law firms for the provision of additional legal services as the Rutherford County Board of Commissioners may deem appropriate.". This motion passed unanimously by acclamation."

ANNUAL MEETING WITH LEGISLATORS:

Commissioner J. Jordan advised he wanted to approach the legislators at the annual meeting regarding on line sales tax. This is a nationwide problem being addressed by other states. Mayor Burgess advised this matter has been under discussion for years and Tennessee is participating in the Streamline Tax Law to collect the same but has been unable to get the bill passed. The Streamline Tax Law changes payment of the tax to the point of delivery and not the point of sale so there is much opposition to this. Commissioner J. Jordan will address this issue with the legislators.

PRIDE OF PLACE:

The Committee was provided information on a proposed comprehensive litter and recycling solution that required 5¢ deposit on beverage containers. The Committee was advised redemption centers would be established and this would not be handled by retail stores. Following discussion,

"Commissioner Sandlin moved, seconded by Commissioner J. Jordan, to forward the Pride of Place information to the Public Works Committee for review and opinion with return to the Steering Committee if a Resolution of support is requested. This motion passed unanimously by acclamation."

ANNUAL MEETING WITH LEGISLATORS:

The Committee was advised the annual meeting with legislators will be at the next regular Steering Committee meeting January 4, 2010.

There appearing to be no further business to come before the Committee, Chairman Rodgers declared the meeting adjourned at 6:53 p.m.

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JOHN RODGERS, Chairman